



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEVIN S. LEMACK
NIELDS & LEMACK
176 E. MAIN STREET - SUITE 8
WESTBORO, MA 01581

COPY MAILED

APR 21 2005

OFFICE OF PETITIONS

In re Application of :
Barry J. BARCLAY :
Application No. 09/900,064 : DECISION GRANTING PETITION
Filed: July 6, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 545P007 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed September 24, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 13, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 14, 2003. A Notice of Abandonment was mailed on March 23, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of August 13, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Betsy Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.

The matter is being referred to Technology Center AU 1616 for appropriate action on the concurrently filed amendment (and Information Disclosure Statement).

Frances Hicks Jr
Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy